


<b>Application Number</b> 	<b>Application/Control No.</b> 09/877,040	<b>Applicant(s)/Patent under Reexamination</b> KALKUNTE, MOHAN	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input type="checkbox"/> <b>APPROVED</b>	<input checked="" type="checkbox"/> <b>DISAPPROVED</b>
Date Filed :	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

DATE: 11-Jul-05  
TO: EXAMINER PHAN, TRI  
FROM: Jefferson, Henry  
PARALEGAL SPECIALIST

APPL. S.N.: 09/877,040  
ART UNIT: 2661

Case Drop-Off Location: JEF-2D68  
RETURN THIS MEMO TO:

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 01-Jul-05

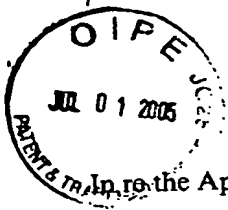
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☐ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
  - ☒ The person who signed the T.D.:
    - ☒ is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
    - ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
  - ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mohan KALKUNTE

Art Unit: 2661

Application No.: 09/877,040

Examiner: Tri H. Phan

Filed: June 11, 2001

Attorney Dkt. No.: 58268.00071

For: GIGABIT SWITCH SUPPORTING MULTIPLE STACKING CONFIGURATIONS

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


July 1, 2005

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

Enclosed is a check in the amount of One Hundred Thirty Dollars (\$130.00) to cover the required fee. In the event that any additional fees are due with respect to this paper, please charge Counsel's Deposit Account No. 50-2222.

Respectfully submitted,

By:   
David E. Brown  
Attorney for Applicants  
Reg. No. 51,091

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DEB:mm

Enclosures: Check No. 013089; Terminal Disclaimer



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In re the Application of:

Mohan KALKUNTE

Art Unit: 2661

Application No.: 09/877,040

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For: GIGABIT SWITCH SUPPORTING MULTIPLE STACKING  
CONFIGURATIONS

TERMINAL DISCLAIMER UNDER 37 CFR 321(c)

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Broadcom Corporation, having its place of business at 16215 Alton Parkway, Irvine California 92619-7013, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 09/877,040, filed June 11, 2001, for GIGABIT SWITCH SUPPORTING MULTIPLE STACKING CONFIGURATIONS, the assignment for the application being recorded in the Patent and Trademark Office on June 11, 2001 at Reel 011893, Frame 0775. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent Application Serial No. 09/877,010, filed June 11, 2001, for GIGABIT SWITCH WITH FRAME FORWARDING AND ADDRESS LEARNING the assignment for this application being recorded in the Patent and Trademark Office on June 11, 2001 at Reel 011892, Frame 0162.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on

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application Serial No. 09/877,040, which would extend beyond the expiration date of any patent granted on application Serial No. 09/877,010 when issued, and hereby agrees that any patent so granted on application Serial No. 09/877,040, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to any patent granted on application Serial No. 09/877,010, this agreement to run with any patent granted on application Serial No. 09/877,040, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on application Serial No. 09/877,010 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, Broadcom Corporation, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,

**Broadcom Corporation**

Date: January 12, 2005

By: 

(Signature)

**Dee Henderson**

Manager, Intellectual Property Portfolio  
(Name)

(Title)